

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD
SOLID WASTE PERMIT**

CLASS IIIb LANDFILL

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted thereunder,

BRUSH RESOURCES, Inc.

is hereby authorized to own and operate the **Brush Resources Mill Class IIIb Landfill** located in the NE 1/4 of Section 32, Township 15 South, Range 5 West, Salt Lake Base and Meridian, Millard County, Utah as described and shown in the permit application that was determined complete on June 16, 2003.

The operation of the landfill is subject to the condition that **Brush Resources, Inc.** (Permittee) meet the requirements set forth herein.

All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this permit becomes effective.

Effective date: January 1, 2004.

Expiration date: December 31, 2008.

Signed this _____ day of _____, 2003.

Original Document Signed by Dennis R. Downs on 12/12/03

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

LANDFILL NAME: Brush Resources Mill Class IIIb Landfill

OWNER CONTACT: Dan Perry, Environmental Health & Safety Coordinator

OWNER NAME: Brush Resources, Inc.

OWNER ADDRESS: PO Box 815
Delta, Utah 84624

OWNER PHONE NO.: 435-864-8350

OPERATOR NAME: Brush Resources, Inc.

LANDFILL TYPE: Class IIIb Noncommercial Solid Waste Landfill

APPROVAL # 0302

LOCATION Landfill site is located in Township 15 South, Range 5 West,
Section 32., Salt Lake Base and Meridian, Millard County, Lat.
39° 28' 22" N, Long. 112° 26' 7" W

Permit as used in this document is defined in UAC R315-301-2(55).

The application, as deemed complete on June 16, 2003, is hereby approved and is incorporated by reference into this Solid Waste Permit. All representations made in the permit application are part of this permit and are enforceable under UAC 315-301-5(2). The permit application will become part of the operating record of the Landfill. Where differences in wording exist between this permit and the application, the wording of the permit supersedes that of the application.

By this permit to operate, the Permittee shall be subject to the following conditions.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The Permittee shall operate the Class IIIb landfill in accordance with the conditions of this Permit and with all requirements of UAC R315-304, that are currently effective for a Class IIIb Landfill, unless otherwise noted in this permit.

Any permit noncompliance constitutes a violation of UAC R315-304 and is grounds for appropriate enforcement action, permit revocation, modification, or

denial of a permit renewal application.

B. Noncompliance

1. If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under UAC R315-301 through 320 may be or is being violated, the Permittee shall promptly make corrections to the operation or other activities to bring the facility into compliance with all permit conditions or rules. In the event of any noncompliance with any permit condition or violation of an applicable rule, the Permittee shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility. The Permittee shall: document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered; notify the Executive Secretary of the Solid and Hazardous Waste Control Board within 24 hours, or the next business day following documentation of the event; and give written notice of the noncompliance or violation and measures taken to protect public health and the environment within seven days of Executive Secretary notification. Within thirty days of the documentation of the event, the Permittee shall submit, to the Executive Secretary, a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or violation. Upon receipt and review of the assessment report, the Executive Secretary may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.
2. It shall not constitute a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
3. Compliance with the terms of this permit does not constitute a defense to actions brought under any other local, State, or Federal laws. This permit does not exempt the Permittee from obtaining any other local, State or Federal permits or approvals.
4. The issuance of this Permit does not convey any property rights, other

than the rights inherent in this permit, in either real or personal property, or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations including zoning ordinances.

5. The provisions of this Permit are severable. If any provision of this Permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

C. Inspection and Inspection Access

The Permittee shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, including representatives from the Central Utah Public Health Department, to enter at reasonable times and:

1. Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of the Permit or UAC R315-301 through 320;
3. Inspect any loads of waste, treatment, pollution management, or control facilities required under the Permit or regulated under UAC R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

D. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2; PCB's as defined by UAC R315-301-2(53), except those specified by UAC R315-315-7(2)(a) and (c); household waste; municipal waste; special waste, except as specified in this permit; or commercial waste shall be accepted for treatment, storage, or disposal at the landfill.

E. Acceptable Waste

This permit is for disposal of nonhazardous industrial waste, as defined in UAC R315-301-2(35), generated by Brush Resources, Inc. and as described in the permit.

F. Revocation

1. This permit is subject to revocation if any condition of this permit is not being met. The Permittee will be notified in writing prior to any proposed revocation action and such action will be subject to all applicable hearing procedures established under UAC R315-12 and the *Utah Administrative Procedures Act*.
2. Revocation of this permit does not revoke the financial assurance established for closure and post-closure care of the facility, nor remove any responsibility for completion of closure and post-closure care for the facility required in UAC R315-302-3.

G. Attachment Incorporation

Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference into the attachments. Language in this permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

II. DESIGN AND CONSTRUCTION

A. Construction

1. The landfill shall be constructed in the area designated and according to the design outlined in the permit application including landfill cells, fences, gates and berms.
2. The Permittee shall notify the Executive Secretary of the completion of construction of any final cover system and shall provide all necessary documentation and shall apply for approval of the construction from the Executive Secretary.

III. LANDFILL OPERATION

A. Plan of Operation

The plan of operation included in the permit application shall be kept on-site at the landfill. The landfill shall be operated in accordance with the operations plan as included in the permit application. If necessary, the facility owner may modify the Plan of Operation, provided that the modification meets all of the requirements of UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application. Any modification to the Plan of Operation shall be noted in the operating record.

B. Security

The Permittee shall operate the Landfill so that unauthorized entry to the facility is prevented. All facility gates and other access routes shall be locked during the time the landfill is not open. Fencing as shown in the permit application shall be constructed to prevent access of persons or livestock by other routes.

C. Waste Inspections

The Permittee shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this permit are disposed in the landfill. A complete waste inspection shall be conducted at a minimum frequency of 1 % of loads received.

D. Cover

The Permittee shall cover the waste as necessary to prevent fires, and control vectors, blowing litter, odor, scavenging, and fugitive dust. A minimum of six inches of earthen cover shall be provided no less than once each month for all other wastes received at the landfill. At the end of each day of operation, when cover is placed, the amount of cover placed and the area receiving cover shall be recorded in the operating record and certified by the operator.

E. Roads

All roads used for transporting waste to the landfill for disposal shall be improved and maintained as necessary to assure safe and reliable all-weather access to the disposal area.

F. Burning of Waste

Intentional burning of solid waste in the designated landfill units is prohibited and is a violation of UAC R315-303-5(2)(b). All accidental fires shall be

extinguished as soon as possible.

G. Record Keeping

The Permittee shall maintain and keep on file at the Brush Resources Mill Offices, an operating record as required by UAC R315-302-2(3). The landfill operator, or other designated personnel, shall date and sign the operating record at the end of each landfill operating day. Each record to be kept shall contain the signature of the appropriate operator or personnel and the date signed. The operating record shall include the following items:

1. The record of landfill operations shall include the following items:
 - a. The number of loads of waste and the weights or estimates of weights or volume of waste received each day of operation and recorded at the end of each landfill operating day;
 - b. Major deviations from the approved plan of operation recorded at the end of the landfill operating day the deviation occurred;
 - c. Results of other monitoring required by this permit recorded in the operating record on the day of the event or the day the information is received;
 - d. Records of all inspections conducted by the Permittee, results of the inspections, and corrective actions taken shall be recorded in the record on the day of the event;
2. The general record of landfill operations shall include the following items:
 - a. A copy of the permit including the permit application;
 - b. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of the Central Utah Public Health Department, when forwarded to the Permittee;
 - c. Closure and Post-closure care plans; and
 - d. Records of employee training.

H. Reporting

The Permittee shall prepare and submit, to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). The Annual Report shall include: the period covered by the report, the annual quantity of waste received, an annual update of the financial assurance mechanism, a re-application for approval of the financial assurance mechanism, and all training programs completed.

I. Self Inspections

The Permittee shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of wastes or contaminated materials to the environment or create a threat to human health. These general inspections shall be completed no less than quarterly and shall cover the following areas: waste placement, cover; fences and access controls; roads; run-on/run-off controls; litter controls; and records. A record of the inspections shall be placed in the landfill operating record on the day of the inspection. Areas needing correction, as noted on the inspection report, shall be corrected and the actions taken placed in the landfill operating record.

IV. CLOSURE REQUIREMENTS

A. Closure

The Permittee shall close and maintain the facility in accordance with the closure and post-closure plans included in the permit application and as required by R315-305-5(5) UAC.

B. Title Recording

The Permittee shall also meet the requirements of UAC R315-302-2(6) by recording with the Millard County Recorder as part of the record of title that the property has been used as a landfill.

C. Post-Closure Care

Post-closure care at the closed landfill shall be done in accordance with the Post-Closure Care Plan contained in the permit application. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding of UAC R315-302-3(7)(c) is made.

D. Financial Assurance

1. The Permittee provide and shall keep in effect and active, financial assurance that meets the requirements of UAC R315-309 to cover the costs of closure and post-closure care at the landfill.
2. An annual revision of the closure and post-closure care costs and the financial assurance mechanism shall be submitted to the Executive Secretary as part of the annual report. The financial assurance mechanism must be approved by the Executive Secretary each year.

V. ADMINISTRATIVE REQUIREMENTS

A. Transfers

This permit may be transferred to a new Permittee by meeting the requirements of the Permit Transfer provision in UAC R315-310-10.

B. Permit Modifications

Modifications to this permit may be made upon application by the Permittee or by the Executive Secretary. The Permittee will be given written notice of any permit modification initiated by the Executive Secretary.

C. Expiration

Application for permit renewal shall be made at least 180 days prior to the expiration date, as shown on the signature (cover) page of this permit. If a timely renewal application is made and the permit renewal is not complete by the expiration date, this permit will continue in force until renewal is completed or denied.

D. Expansion

1. This permit is for the operation of a Class III Landfill according to the design and Operation Plan described and explained in the permit application. Any expansion of the current footprint designated in the description contained in the permit application, but within the property boundaries designated in the permit application, will require submittal of plans and specifications to the Executive Secretary. The plans and specifications must be approved by the Executive Secretary prior to

construction.

2. Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the permit application will require submittal of a new permit application in accordance with the requirements of UAC R315-310.
3. Any expansion of the waste accepted at the landfill facility will require submittal of all necessary information to the Executive Secretary and the approval of the Executive Secretary.